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February 26, 1997

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

Hand Delivered

Re: Ex Parte Presentation, December 19, 1996
IB Docket No. 96-111
TMI Communications and Company, Limited Partnership

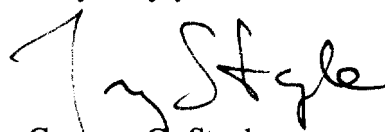
Dear Mr. Caton:

On December 19, 1996, individuals from Koteen & Naftalin, L.L.P., and TMI Communications and Company, Limited Partnership ("TMI"), met with several FCC staff members in the International Bureau to discuss TMI's position in the above-referenced proceeding. On December 20, 1996, an ex parte letter was filed with the Commission pursuant to Section 1.206(a)(2) of the Commission's Rules informing the Commission of this fact.

It has come to our attention that the Commission has erroneously withheld this ex parte letter and its enclosures from public inspection. Koteen & Naftalin, L.L.P., has not requested confidential treatment for these items and hereby requests that they be available to the public. I enclose a copy of these materials.

Please contact me if you have any questions concerning this matter.

Very truly yours,


Gregory C. Staple

Enclosures

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DEC 20 1996

December 20, 1996 Federal Communications Commission
Office of Secretary

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Hand Delivered

Re: Ex Parte Presentation
IB Docket No. 96-111
TMI Communications and Company, Limited Partnership

Dear Mr. Caton:

Pursuant to Section 1.206(a)(2) of the Commission's Rules, this letter is being filed to inform the Commission that on December 19, I and Marsha Johnson of Koteen & Naftalin, L.L.P., and Peter Vivian, Vice President and Lori O'Brien, Legal Counsel of TMI Telecommunications and Company, Limited Partnership (TMI), met with Donald H. Gips, Joslyn Read, William J. Kirsch, Virginia Marshall, Joe Heaps and Brian Carter of the International Bureau to discuss TMI's position in the Commission's DISCO II proceeding (IB Docket No. 96-111).

The issues discussed are covered by the attached outline. Also attached are the following documents which were provided to the FCC's staff during the meeting: overview of TMI; a TMI-MSAT footprint map; a copy of a press release by Orbcomm Canada Inc. titled "Orbcomm Canada Inc. Receives License To Begin Commercial Operation"; and a August 23, 1996 letter from Industry Canada to NewEast Wireless Telecom Inc. granting the company authority to provide Standard C packet data services in Canada via the AMSC satellite.

This letter was not filed with the Commission until today because the undersigned was ill with viral influenza and was out of the office following the aforementioned FCC meeting.

Mr. William F. Caton
December 20, 1996
Page 2

Please contact me if there are any questions concerning this matter.

Sincerely yours,


Gregory G. Staple

cc (w/encs.) by hand delivery:

Donald H. Gips
Joslyn Read
William J. Kirsch
Virginia Marshall
Joe Heaps
Brian Carter

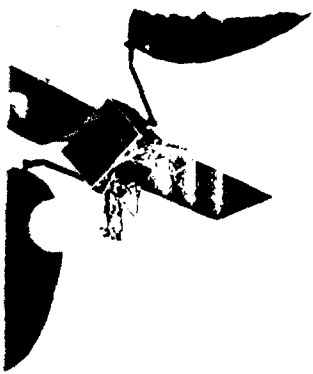
December 19, 1996

TMI's View on U.S. Market Entry

- A. AMSC and TMI Satellites Constitute A Distinct MSS Market Segment And Should Not Be Grouped With The Global Mobile Satellite Systems
 - 1. FCC should de-couple market entry review for TMI from review of foreign licensed global MSS operators. That will foster competition immediately in U.S. and Canada mobile communications markets.
 - 2. The goals of proposed ECO-Sat test -- namely, fostering greater access to non-U.S. satellites while encouraging foreign governments (i.e., Canada) to open their satellite communications market -- are more likely to be advanced by treating the TMI and AMSC satellites separately.
- B. A Simplified ECO-Sat Test Should Be Applied To TMI: US Mobile Earth Stations (METs) Should Be Authorized To Access TMI If Canadian METs Can Communicate With AMSC For Like Services
 - 1. A simplified ECO-Sat test is consistent with the general ECO standard adopted in November 1995 Foreign Carrier Entry Order. It can also be implemented quickly and will allow users on both sides of the border to have wider service choice early in 1997.
 - 2. Spectrum has already been coordinated on a regional (North America) basis for the relevant TMI and AMSC L-Band services. (See FCC Hails Historic Agreement on International Satellite Coordination," FCC Report No. IN 96-16, released June 15, 1996.) Coordinated spectrum is wasted if not used throughout the region -- i.e., TMI coordinated spectrum can not be reused by AMSC in U.S. and vice versa.

**C. Simplified ECO-SAT Test Should Be Applied Service-By-Service
Pending Full "Open-Skies" Policy**

- 1. Start with one-way satellite paging and data messaging:**
 - Industry Canada has approved AMSC fleet data messaging service to NewEast in Newfoundland.
 - Industry Canada has also granted license to Canadian affiliate of Orbcomm, which holds U.S. license for "Little LEO" system.
 - FCC should grant blanket licenses to TMI (and AMSC if requested) for satellite ROMETs used in connection with satellite paging service (or, alternatively, forbear regulation of MSS ROMETs).
- 2. Change in Canadian ownership requirements for MSS operators serving Canada provides opportunity for additional blanket licenses to access TMI services**
 - Canada's new WTO offer on MSS ownership
 - Implications of Canada's new WTO offer for AMSC and TMI
- 3. FCC should state willingness to grant blanket licenses for other services (terminals) on interim basis, pending resolution of DISCO II, provided Industry Canada will grant authority for AMSC to provide like services in Canada.**



Overview of TMI Communications

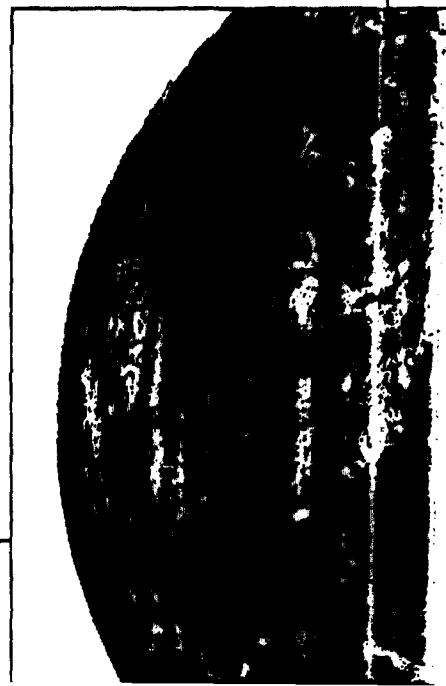
TMI Communications and Company, Limited Partnership (TMI) is a Canadian licensed mobile satellite company. TMI provides mobile satellite services (MSS) throughout Canada and, through agreement and subject to regulation, in other areas of the MSAT satellite's North America-wide coverage area. The principal addressable markets for TMI are businesses outside the coverage area of existing cellular or radio communications. TMI's principal owner is BCE Inc., a Canadian corporation involved in extensive telecommunications industry activity.

TMI began commercial services in January, 1996, using the American Mobile Satellite Corporation satellite - AMSC-1. On June 2, 1996, after approximately five months of commercial operation, TMI transferred its customer traffic to MSAT-1, the Company's own satellite which was successfully launched in April, 1996.

Initially, the Company offered one mobile and one fixed voice communications service with a limited number of features and, since then, has continued to both enhance and expand its portfolio, adding its first data service in May of 1996. TMI currently offers circuit-switched voice (with a full range of enhancements), circuit-switched data, facsimile, secure telephony, and one-way messaging, and will soon introduce the MSAT Packet Data Service.

Regulatory Status

TMI is a Canadian communications common carrier subject to regulation by the Canadian Radio-television and Telecommunications Commission (CRTC). The Company is currently forborne by the CRTC from traditional rate of return regulation. The CRTC may forbear in the exercise of some or all of its powers over an individual carrier if it is satisfied that such forbearance would be consistent with the objectives of Canada's *Telecommunications Act*.



MSAT Radio-Frequency Licensing

TMI's MSAT satellite is licensed by Canada's Industry Department (Industry Canada) to operate in three distinct frequency bands: portions of the Ku-band (11.7-12.2 GHz and 14.0-14.5 GHz) are used for satellite telemetry and control functions; the Ku-band is also used for the Feederlink (10.75-10.95 GHz Downlink, 13.0-13.25 GHz Uplink) between the satellite and the Communications Ground Segment (CGS); while the L-Band (1530-1559 MHz Downlink, 1631.5-1660.5 MHz Uplink) is used for communications between the satellite and mobile earth terminals. The satellite cross-connects the L-band links to the Ku-band Feederlink.

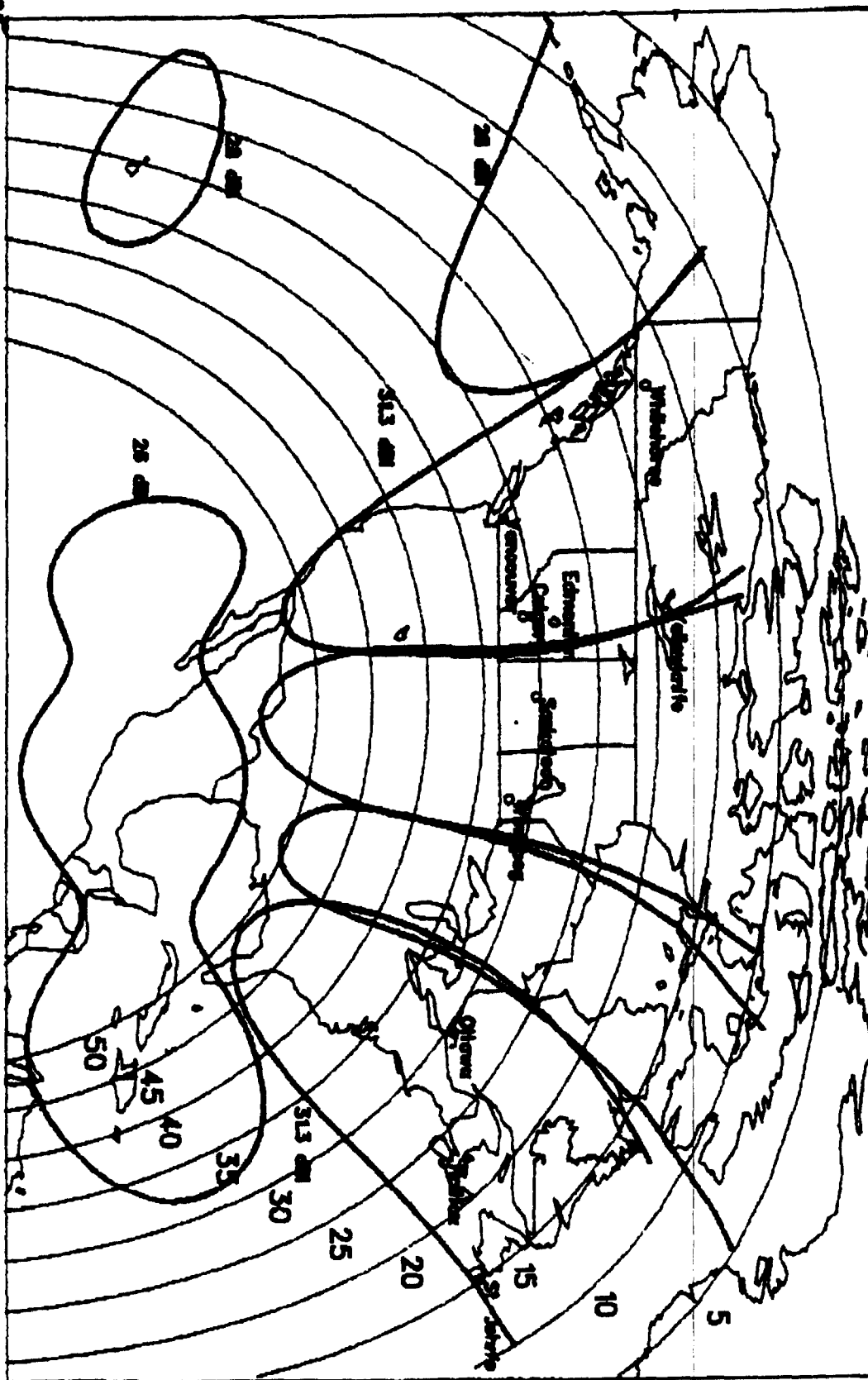
MSAT Feederlink bands fall in the category of Fixed Satellite Service (FSS). Feederlink spectrum is 250 MHz and the Feederlink service area covers Canada, the U.S., Mexico, the Caribbean, Alaska and Hawaii to facilitate joint program development and in-orbit back-up capability between TMI and AMSC. Feederlink spectrum has now been coordinated with the ITU. TMI's first Feederlink Earth Station (FES) site has also been coordinated domestically and TMI could, subject to technical coordination and licensing, establish other FES sites throughout the MSAT coverage area.

L-Band spectrum for the MSAT satellite must be coordinated with the spectrum requirements of other geostationary MSS operators within the North American arc - AMSC, Telecom Mexico, the Russian Federation and Inmarsat. In June, 1996 a Memorandum of Understanding was signed in Mexico City for inter-system coordination of geostationary mobile satellites operating in the L-Band. This MOU accommodates anticipated system requirements through to the end of 1997 and establishes an ongoing multilateral process to satisfy current and future spectrum requirements. Planning for 1998 is to take place in June, 1997 in Washington, DC.

December, 1996

April 3 1996
Systems Engineering
TMI Communications

MSAT Coverage (106.5 deg. West)



ORBCOMM CANADA INC. RECEIVES LICENCE TO BEGIN COMMERCIAL OPERATIONS

MONTREAL, Dec. 10 /CNW/ - ORBCOMM Canada Inc. announced today it has been granted a licence to begin full commercial operation in Canada by Industry Canada. ORBCOMM Canada is the first country licence holder outside the United States for the system developed by ORBCOMM Global, L.P. to receive a licence to operate commercial service. ORBCOMM is the world's first commercial satellite-based two-way global messaging and position system using hand-held terminals.

ORBCOMM Canada will offer an application development and market demonstration period beginning immediately, with full commercial service starting March 1, 1997. For the first time, ORBCOMM Canada will offer applications in the most remote regions of Canada where there are currently no other forms of communications available.

Applications being developed include : sending and receiving E-mail messages; monitoring and controlling remote equipment in the oil and gas, environment and forestry industry and others; tracking of trucks, containers, railway cars and of other mobile assets.

"ORBCOMM is designed to provide low-cost global data transmission. Terminals will sell for less than half the cost of those used by other systems, making a variety of potential satellite uses cost-effective for the first time" said William J. Meder, President and Chief Executive Officer of ORBCOMM Canada. "Service will be launched through resellers, and already 30 companies have signed agreements with ORBCOMM Canada to distribute the service to their customers" added Meder.

Subscriber units provided by a wide range of manufacturers currently sell in the \$750 range and prices are expected to drop to the \$500 level by the end of 1997. Hand-held models with full alphanumeric keyboard and display screens will be available in March 1997. Prices for the service for most users will be around \$30 per month.

At the heart of the ORBCOMM system is a constellation of 28 low-Earth orbit satellites. There are currently two satellites in orbit providing intermittent service. The full constellation is expected to be operational in the first quarter of 1998. Commercial service has been available in the United States since February 1996 and to date, several million messages have been transmitted using the ORBCOMM system.

ORBCOMM Canada Inc is a company controlled by Teleglobe Inc. to offer service in Canada. ORBCOMM Global, L. P. is a limited partnership of Teleglobe Mobile Partners, a joint venture between Teleglobe Inc. and Technology Resources Industries Bhd of Malaysia (TRI), and Orbital Communications Corporation, a subsidiary of U.S.-based Orbital Sciences Corporation.

Teleglobe which indirectly controls Teleglobe Mobile Partners, is a leader in the intercontinental telecommunications industry. It operates a network of cables and satellites linking North America to close to 240 countries and territories. In Malaysia, TRI is a publicly traded company that controls the largest cellular operator.

Orbital Sciences Corporation is a space technology company that designs, manufactures, operates and markets a broad range of space products and satellite-based products.

For further information:

William J. Meder,
President and Chief Executive Officer,
ORBCOMM Canada,
(514) 868-7262



Industry Canada Industrie Canada

Ottawa, Canada
K1A 0C8

Your file Votre référence

6208-2-1 (DOSS-A)

Our file Notre référence

August 23, 1996

Mr. David J. Sward
Vice President Business Development
NewEast Wireless Telecom Inc.
Suite 2002
150 Metcalfe Street
Ottawa, Ontario
K2P 1P1

Dear Mr. Sward:

I refer to your letter dated June 18, 1996 in which you seek an update to our letter of December 23, 1994 indicating approval in principle to provide Standard-C like packet data services in Canada.

Industry Canada is pleased to grant its approval in principle, on an interim basis, for the provision of satellite based packet data services in Canada using AMSC space segment capacity and a Rockwell hub earth station located in Reston, Virginia. This approval in principle supersedes the approval in principle granted to New East on December 23, 1994 and is subject to the attached conditions.

If you accept these conditions, please advise us in writing within 30 days. Once you have accepted the conditions, you will be able to obtain the necessary radio licences for the subscriber terminals by submitting formal licence applications in accordance with the enclosed Client Procedure Circular 2-6-06 "Guidelines for the Submission of Mobile Earth Station Applications".

Should you wish to discuss this matter further, please contact Ms. Chantal Beaumier at 998-3819 or myself at 998-3759.

Yours sincerely,

C. Beaumier
for

R.G. Amero
Manager, Space Services
Frequency / Orbit Management Division
Spectrum Management Operations

Enclosure & Attachment

Canada



ATTACHMENT

LICENCE CONDITIONS NEWEAST WIRELESS TELECOM INC. FOR THE USE OF 1626.5-1646.5 MHz AND 1530-1545 MHz TO PROVIDE STANDARD-C MOBILE SATELLITE SERVICES IN CANADA

- 1) NewEast shall transfer the Standard-C service to a Canadian standard-C hub earth station for operation with Canadian space segment capacity. The transfer of the service to Canadian facilities will be required by September 1997. However, this date is subject to further review as we recognize the need to develop a critical mass of clientele in order to justify the construction of a Canadian hub earth station. To this end, Industry Canada and NewEast will continue to consult on a regular basis regarding the status of the service and the availability of facilities.
- 2) No international interconnections, other than Canada/USA, shall be provided by these NewEast Standard-C services to respect the status of Teleglobe Canada as the only provider of overseas telecommunications. The Department will review this condition of licence should NewEast and Teleglobe reach an agreement with respect to the provision of Standard-C international services.
- 3) Mobile terminals are restricted to operation in Canada. Any roaming into the USA or other countries must respect the licensing regimes of those countries. In the case of the USA, crossborder roaming will only be permitted when there has been an agreement reached between Industry Canada and the FCC on the reciprocal recognition of licences.
- 4) The operation of subscriber earth stations must comply with Health Canada's *Limits of Exposure to Radiofrequency Fields from 10 kHz to 200 GHz, Safety Code 6*.
- 5) The operation of subscriber earth stations shall not cause harmful interference to safety or radio astronomy services operating within this or adjacent frequency bands.

- 6) Fixed subscriber stations may operate in the service bands provided that the fixed station operations are ancillary to mobile services and that the fixed station operations do not diminish the capacity of the satellite to provide mobile services.
- 7) The licensee must provide reports, when requested by the Department, indicating the relative growth of the services provided, and the numbers of fixed and mobile subscriber stations in operation.